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DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[No. 36]

KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES¹

FEBRUARY 24, 1938.

1. *Operation and maintenance charges.*—The annual operation and maintenance charge for the irrigation season of 1938, and thereafter until further notice, against all lands of the Main Division lying outside of the Klamath Irrigation District shall be a minimum charge of one dollar and twenty cents (\$1.20) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished at the rate of fifty cents (\$0.50) per acre-foot.

2. The annual operation and maintenance charge for the irrigation season of 1938, and thereafter until further notice, against all lands of the Tule Lake Division remaining subject to public notice of September 29, 1922, lying outside of the Klamath Irrigation District, shall be a minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre at the rate of fifty cents (\$0.50) per acre-foot and all further quantities for seventy-five cents (\$0.75) per acre-foot.

3. The annual operation and maintenance charges for the irrigation season of 1938, and thereafter until further notice, against all lands under individual Warren Act contracts, shall be a minimum charge of sixty-nine cents (\$0.69) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre; provided that for those contracts which have not been amended so as to increase the allowance of water from 2 to 2½ acre-feet per annum, only 2 acre-feet will be furnished under the minimum charge. Additional water will be furnished at the rate of twenty-five cents (\$0.25) per acre-foot.

4. *Water rental charges.*—The annual water rental charge for the irrigation season of 1938, and thereafter until further notice, against all lands of the Tule Lake Division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, October 16, 1931, and September 7, 1937, shall be a minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre, whether water is used or not, which will entitle the water users to two and one-half (2½)

acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre at the rate of fifty cents (\$0.50) per acre-foot and all further quantities for seventy-five cents (\$0.75) per acre-foot.

5. For irrigation or waste water furnished Tule Lake leased lands, the charge, unless otherwise specified in the leases, shall be sixty-five cents (\$0.65) per acre-foot for the season of 1938 and thereafter until further notice.

6. For water furnished lands not subject to the operation and maintenance or water-rental charges named above the charge shall be seventy-five cents (\$0.75) per acre-foot for the season of 1938 and thereafter until further notice.

7. *Time of payment.*—For lands of the Tule Lake Division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre stated above will be due and payable one-half before the delivery of water, if water is delivered before July 1, 1938, and one-half on or before July 1, 1938. If no water is delivered before July 1, 1938, then the entire charge shall become due and payable on that date. If the charge, or any part thereof, is unpaid on that date there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used, and if not paid on or before said due date, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

8. For all other lands referred to herein the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used. On all payments not made on or before the due dates specified herein, there will be added a penalty of one-half of one per centum (½%) and there will be added a like penalty of one-half of one per centum (½%) on the first day of each month thereafter so long as such default shall continue.

9. Where water-rental application is made for public land entered under the reclamation law after June 15 and where water-rental application is made after August 1 for land in private ownership, no water-rental charge shall be made for water delivered during the remainder of the irrigation season in which water-rental application is made.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

¹ Act of June 17, 1902 (32 Stat., 388), as amended or supplemented.



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Division of Grazing.

COLORADO GRAZING DISTRICT NO. 2

MODIFICATION

MARCH 2, 1938.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935,

establishing Colorado Grazing District No. 2 is hereby revoked as far as it affects the following-described lands:

COLORADO

Sixth Principal Meridian

- T. 1 N., R. 75 W., S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 31;
 T. 3 N., R. 75 W., W $\frac{1}{2}$ sec. 4, secs. 5, 6, N $\frac{1}{2}$ secs. 7 and 8, NW $\frac{1}{4}$ sec. 9, secs. 18 and 19 (outside Rocky Mt. National Park);
 T. 2 N., R. 76 W., all;
 T. 3 N., R. 76 W., sec. 1, E $\frac{1}{2}$ sec. 2, secs. 11 to 14 and 19 to 30 inclusive;
 T. 4 N., R. 76 W., secs. 1, 12, 13, 24, 25 (west of Colorado River), E $\frac{1}{2}$ secs. 2, 11 and 35, sec. 36;
 T. 5 N., R. 76 W., secs. 25 and 36 (west of Colorado River); Tps. 2 and 3 N., R. 81 W., all;
 T. 3 N., R. 82 W., secs. 1 to 3, 10 to 15 and 22 to 27 inclusive, sec. 36;
 T. 4 N., R. 82 W., secs. 1 and 2, E $\frac{1}{2}$ sec. 3, secs. 10 to 16, 22 to 27 and 34 to 36 inclusive;
 T. 5 N., R. 82 W., secs. 1, 12 to 14 and 23 to 26 inclusive, secs. 35 and 36;
 T. 1 S., R. 75 W., secs. 4 to 9 inclusive, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 10, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 15, secs. 17 to 22 and 28 to 32 inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ sec. 33;
 T. 1 S., R. 76 W., secs. 1 to 7 inclusive, N $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 8, secs. 9 to 15 inclusive, N $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 17, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 18, sec. 19, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 20, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 21, secs. 22 and 23, N $\frac{1}{2}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 25, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ sec. 28, secs. 29 and 30, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 31, sec. 32, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ sec. 33, sec. 36;
 T. 1 S., R. 77 W., Lots 1, 2, 5, 6, and 8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ sec. 1, secs. 2 and 11, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 12, secs. 13, 14, 23 to 26 inclusive, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 35;
 T. 3 S., R. 82 W., E $\frac{1}{2}$ W $\frac{1}{2}$ sec. 22.

OSCAR L. CHAPMAN,

Acting Secretary of the Interior.

[F. R. Doc. 38-709; Filed, March 10, 1938; 9:47 a. m.]

Division of Territories and Island Possessions.

[Tariff No. 9 (Cancels Tariff No. 6)]

THE ALASKA RAILROAD

LONG DISTANCE TELEPHONE TARIFF

ANCHORAGE, ALASKA, February 1, 1938.

Effective February 1, 1938, long-distance telephone tolls will be calculated on a basis of one-cent per mile between all points. A minimum charge of twenty-five cents will be made.

Mileage will be computed from current railroad time-tables or other official publications; fraction miles will be disregarded.

The rate of one-cent per mile is based on a three minute conversation. Charges for additional minutes will be made in accordance with the following table:

When rate is—

- \$0.25 to \$0.35 inclusive, 10 cents will be charged for each additional minute.
- \$0.40 to \$0.65 inclusive, 15 cents will be charged for each additional minute.
- \$0.70 to \$0.95 inclusive, 20 cents will be charged for each additional minute.
- \$1.00 to \$1.25 inclusive, 25 cents will be charged for each additional minute.
- \$1.30 to \$1.55 inclusive, 30 cents will be charged for each additional minute.
- \$1.60 to \$1.85 inclusive, 35 cents will be charged for each additional minute.
- \$1.90 to \$2.15 inclusive, 40 cents will be charged for each additional minute.
- \$2.20 to \$2.45 inclusive, 45 cents will be charged for each additional minute.
- \$2.50 to \$2.75 inclusive, 50 cents will be charged for each additional minute.

\$2.80 to \$3.05 inclusive, 55 cents will be charged for each additional minute.
 \$3.10 to \$3.35 inclusive, 60 cents will be charged for each additional minute.
 \$3.40 to \$3.65 inclusive, 65 cents will be charged for each additional minute.
 \$3.70 to \$3.95 inclusive, 70 cents will be charged for each additional minute.
 \$3.95 to \$4.20 inclusive, 75 cents will be charged for each additional minute.
 \$4.25 to \$4.50 inclusive, 80 cents will be charged for each additional minute.
 \$4.55 to \$4.80 inclusive, 85 cents will be charged for each additional minute.
 \$4.85 to \$5.10 inclusive, 90 cents will be charged for each additional minute.

The nearest multiple of five will be regarded as the number of miles to be charged for in computing rates. For instance; if the mileage between two points should be 32, the rate will be 30 cents. If the mileage should be 33, the rate will be 35 cents.

A Federal Tax on commercial telephone conversations over lines of The Alaska Railroad will be made as follows:

When the charge is 50 cents or more and less than \$1.00.....	10 cents.
When the charge is \$1.00 or more and less than \$2.00.....	15 cents.
When the charge is \$2.00 or more.....	20 cents.

The tax will be paid by party paying for service and will be reported by line collecting tax. In the case of The Railroad collecting the tax, employee that makes the collection will report tax on Form 343, Telephone Toll Service.

No tax to be imposed on services furnished press for collection of news for public press or dissemination of news through public press or furnished Government or Territory including any political subdivision thereof.

SUBSCRIBERS

The Railroad will install, when line conditions permit, telephones for subscribers on long distance lines, which will consist of wall telephone and one span from railroad telephone line, any additional spans including poles and fixtures to be furnished, installed and maintained by the subscriber, in accordance with standard specifications of The Railroad.

A deposit of \$10.00 will be required in advance for each telephone installed, which will be refunded, less any amount due The Railroad, when telephone is discontinued.

A charge will be made against the subscriber in accordance with this tariff for each long distance telephone call made from the subscriber's telephone, which will be billed against the subscriber at the end of each month, with minimum charge of \$5.00 for the month.

Where extra equipment is required, the following charges will be made:

Desk Telephone (in place of wall type).....	\$0.50 per month.
Extension Bell only.....	\$0.50 per month.
Extension Telephone, Wall Type.....	\$1.00 per month.
Extension Telephone, Desk Type.....	\$1.50 per month.

The above charges for extra equipment will be made in addition to charges for long distance calls or in addition to monthly guarantee.

J. T. CUNNINGHAM,
 Sup't. of Transportation.

Approved:

O. F. OHLSON,
 General Manager.

The above is hereby confirmed.

RUTH HAMPTON,
 Assistant Director.

MARCH 7, 1938.

[F. R. Doc. 38-712; Filed, March 10, 1938; 9:50 a. m.]

[Passenger Circular No. 127-H; Freight Circular No. 69-H.]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

INFORMATION FOR FREIGHT SHIPMENTS TO RIVER POINTS BETWEEN
 NENANA AND MARSHALL, ALASKA

ANCHORAGE, ALASKA, February 10, 1938.

To All Concerned:

During the 1938 season the Steamer *Nenana* will be operated between Nenana, Holy Cross, Marshall and intermediate points as follows:

Leave Nenana at 7:00 p. m. for Marshall on Sunday, May 15, June 5, 19, July 3, 17, 31, August 14, 28, and September 11.

Returning from Marshall, steamer will leave that point for Nenana as soon as freight and passengers are discharged but not earlier than 6:00 a. m. May 24, June 10, 24, July 8, 22, August 5, 19, September 2, 16. Departure from Holy Cross will be not earlier than 6:00 p. m., on date shown following departure from Marshall.

A barge will be handled by steamer leaving Nenana on sailings May 15th, June 5, July 3, 31, August —, 28, Sept. 11. No barge will be handled by steamer sailing from Nenana on June 19, July 17, August 14, unless there is on hand at Nenana sufficient tonnage, in excess of carrying capacity of the steamer itself, to warrant the handling of a barge.

Inflammable liquids and explosives, which include gasoline, distillate, kerosene, are prohibited for transportation on the steamer itself and must be transported or loaded on a barge towed by the steamer. Therefore, shippers of these commodities should arrange their orders so that shipments will connect at Nenana with steamer handling barge, on dates indicated above.

Connections are made at Holy Cross with steamer of Ira Wood and Day Navigation Company for points on the Innoko River and Iditarod.

Connections are made at Marshall, with each sailing, with launches of Northern Commercial Company for Saint Michael and Nome.

Train connections with Steamer *Nenana* at Nenana, for Marshall, are made with Train No. 2 from Seward, also motor car leaving Fairbanks Sunday at 4:00 p. m. for Nenana. Steamer *Nenana* arriving Nenana connects with Train No. 1 for Seward, and motor car for Fairbanks.

The Steamer *Alice* will also be operated on the Tanana and Yukon Rivers as a freight steamer handling freight traffic and a limited amount of passenger traffic. This steamer will operate on an irregular schedule depending on traffic.

Local Passenger Tariff No. 6-A and Local Freight Tariff No. 6-A name passenger and freight rates between all points Nenana to Marshall.

This circular cancels Freight Circular No. 69-G and Passenger Circular No. 127-G of February 24, 1937.

J. T. CUNNINGHAM,
 Sup't. of Transportation.

The above is hereby confirmed.

RUTH HAMPTON,
 Assistant Director.

MARCH 7, 1938.

[F. R. Doc. 38-711; Filed, March 10, 1938; 9:50 a. m.]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

PASSENGER AND FREIGHT SERVICE ON TANANA AND YUKON RIVERS

ANCHORAGE, ALASKA, February 10, 1938.

To Shippers:

River boat service during the 1938 season between Nenana and Marshall will commence with sailing of the Steamer *Nenana* from Nenana on May 15th, the next sailing will be Sunday, June 5th, and every second Sunday thereafter until

sailing of September 11th, which will be the final sailing for the season.

For the information of shippers and consignees the following schedule of freight connections with steamers leaving Seattle is made. Schedule shows the dates shipments must be forwarded from Seattle to make connection with sailings from Nenana. Highly perishable and cool room shipments will be given special service over the rail line of The Alaska Railroad, and as noted in the schedule may be forwarded from Seattle only one week prior to sailing from Nenana; the minimum time other shipments must leave Seattle, for connection with any sailing from Nenana is two weeks.

The last sailing from Seattle on which freight may be forwarded with the assurance of delivery is the sailing of August 27th; delivery is not guaranteed on any shipments forwarded after that date. (See exception)

Exception: Shipments of eggs, potatoes, onions, oranges, apples and such other semi-perishable freight, including highly perishable and cool room freight may be forwarded from Seattle on steamer leaving September 3rd to connect with the last steamer leaving Nenana September 11th.

A barge will be handled by steamer leaving Nenana on sailing May 15th, June 5, July 3, 31, August 28, September 11. No barge will be handled by steamer sailing from Nenana on June 19, July 17, August 14, unless there is on hand at Nenana sufficient tonnage, in excess of carrying capacity of the steamer itself to warrant the handling of a barge.

Inflammable liquids and explosives, which includes gasoline, distillate, kerosene, are prohibited for transportation on the steamer itself and must be transported or loaded on a barge towed by the steamer. Therefore, shippers of these commodities should arrange their orders so that shipments will connect at Nenana with steamer handling barge, on dates indicated above.

Freight shipments should leave Seattle as shown below to connect with steamer leaving Nenana.

Steamer leaves Nenana—	All freight except highly perishable and cool room freight should leave Seattle—	Highly perishable and cool room freight leave Seattle—	Gas and oil should leave Seward not later than—
May 15.....	April 16, 20, 23, 30.....	May 7	May 7
June 5.....	May 4, 7, 14, 18, 21.....	May 28	May 28
June 19 ¹	May 28, June 1, 4.....	June 11	(¹)
July 3.....	June 8, 11, 15, 18.....	June 25	June 25
July 17 ¹	June 22, 25, 29, July 2.....	July 9	(¹)
July 31.....	July 6, 9, 13, 16.....	July 23	July 23
Aug. 14 ¹	July 20, 23, 27, 30.....	Aug. 6	(¹)
Aug. 28.....	Aug. 3, 6, 10, 13.....	Aug. 20	Aug. 20
Sept. 11.....	Aug. 17, 20, 24, 27.....	Sept. 3	Sept. 3

¹ No barge with river steamer.

The Steamer *Alice* will also be operated on the Tanana and Yukon Rivers as a freight steamer, handling freight traffic and a limited amount of passenger traffic. This steamer will operate on an irregular schedule depending on traffic.

Owing to the possibility of the first sailing from Nenana being delayed due to river conditions, highly perishable and cool room freight, which is subject to loss due to delay in transit, will only be accepted at owner's risk. Any loss due to delay at Nenana waiting for navigation to open will be for the account of shipper or owner.

For the information of residents along and adjacent to the Tanana and Yukon Rivers, position reports are broadcast by radio telephone, on a frequency of 6190 kilocycles from river steamers at 8:00 A. M., and 7:00 P. M. daily.

Special Tanana River Trip

If river conditions permit, a short trip from Nenana to Tanana will be made prior to May 15th, and shipments for Tolovana, Hot Springs, Tanana and other Tanana River points should leave Seattle not later than April 23rd to connect with this special sailing. Highly perishable and

cool room shipments may leave April 30th for this special trip.

Final shipments for Cripple and other points on the headwaters of the Innoko River, and Alatna, Bettles, and Wiseman on the headwaters of the Koyukuk River should leave Seattle not later than August 13th.

J. T. CUNNINGHAM,
Supt. of Transportation.

The above is hereby confirmed.

RUTH HAMPTON,
Assistant Director.

MARCH 7, 1938.

[F. R. Doc. 38-710; Filed, March 10, 1938; 9:50 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3162]

IN THE MATTER OF NATIONAL SILVER COMPANY, A CORPORATION AND SAMUEL E. BERNSTEIN, INDIVIDUALLY AND AS PRESIDENT OF NATIONAL SILVER COMPANY, AND PHILIP J. BERNSTEIN, INDIVIDUALLY AND AS VICE-PRESIDENT OF NATIONAL SILVER COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 16, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-714; Filed, March 10, 1938; 10:04 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3267]

IN THE MATTER OF LEOPOLD LEVOY AND NATHAN C. BLACHER, INDIVIDUALLY AND TRADING AS SUNBEAM LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal

Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 4, 1938, at ten o'clock in the forenoon of that day (Pacific Standard Time) in room 442, Pacific Electric Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-713; Filed, March 10, 1938; 10:04 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 24050]

ORDER IN THE MATTER OF A. JOHNSTON, GRAND CHIEF ENGINEER OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, ET AL, V. ATLANTIC COAST LINE RAILROAD COMPANY, ET AL.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 28th day of February, A. D. 1938.

Upon further consideration of the record in the above-entitled proceeding, and of petition filed under date of January 5, 1938, on behalf of the class I railroads, for reconsideration and modification of our order of June 8, 1937¹ therein, and good cause appearing therefor:

It is ordered, That paragraph (b) of Rule 157 of the rules and instructions for the inspection and testing of steam locomotives and tenders, approved and established in accordance with the act of February 17, 1911, as amended, be, and it is hereby amended to read as follows:

(b) All steam locomotives used in road service built prior to September 1, 1937, which weigh² on driving wheels 150,000 pounds or more, and all steam locomotives used in switching service, built prior to September 1, 1937, which weigh on driving wheels 130,000 pounds or more, which are equipped with manually-operated reverse gear, shall have a suitable type of power-operated reverse gear substituted therefor the first time that said locomotives are given repairs defined by the United States Railroad Administration as class 1³ or 2,⁴ and all such steam locomotives shall be so equipped before September 1, 1942.

It is further ordered, That said order of June 8, 1937, shall in all other respects remain in full force and effect.

By the Commission.

[SEAL]

W. P. BARTEL, *Secretary*.

[F. R. Doc. 38-717; Filed, March 10, 1938; 12:24 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, HOLDING COMPANY ACT

AMENDMENTS TO RULES OF PRACTICE

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) thereof, the Securi-

¹ 2 F. R. 1241 (DI).

² Weight on driving wheels means the weight of a locomotive in working order that is supported by the coupled driving wheels when it rests on a straight and level track, as defined in the Locomotive Cyclopedia.

³ New boiler or new back end. Flues new or reset. Tires turned or new. General repairs to machinery and tender.

⁴ New firebox, or one or more shell courses, or roof sheet. Flues new or reset. Tires turned or new. General repairs to machinery and tender.

ties Exchange Act of 1934, particularly Section 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly Section 20 (a) thereof, and finding that it is necessary to carry out the provisions of the Securities Act of 1933, as amended, and the Public Utility Holding Company Act of 1935 and that it is necessary for the execution of the functions vested in the Commission by the Securities Exchange Act of 1934, thereby amends the Rules of Practice of the Commission, effective March 21, 1938.

Attached hereto is Rule II of the Rules of Practice of the Commission, as amended. The Rule, as amended, provides that consent of the Commission shall be obtained in order for a former member or employee of the Commission to appear as attorney or agent in connection with any matter, including any investigation, conducted by the Commission which was pending before the Commission during the period of his employment therein. It also provides for the obtaining of consent of the Commission for former members or employees (excluding persons not classified as attorneys or other experts at the time of their separation from the service) to aid or assist in the preparation or presentation of any matter, including any investigation, conducted by the Commission which was pending before the Commission during the period of his employment therein.

The provisions of Rule II, as amended, apply not only to present members or employees who may subsequently terminate their employment with the Commission, but also to members or employees who have heretofore been employed by the Commission and left the service.

Rule II, as amended, now provides as follows:

Appearance and Practice Before the Commission

(a) An individual may appear in his own behalf, a member of a partnership may represent the partnership, a bonafide officer of a corporation, trust, or association may represent the corporation, trust or association, and an officer or employee of a state commission or of a department or political subdivision of a state may represent the state commission or the department or political subdivision of the state, in any proceeding.

(b) A person may be represented in any proceeding by an attorney at law duly admitted to practice before the Commission.

(c) A person shall not be represented at any hearing before the Commission or a trial examiner except as stated in paragraphs (a) and (b) of this rule.

(d) In all matters other than hearings before the Commission or a trial examiner, a person may be represented by an agent who is duly admitted to practice before the Commission.

(e) All persons appearing before or transacting business with the Commission in a representative capacity may be required to file powers of attorney with the Commission showing their authority to act in such capacity.

(f) A register will be maintained by the Commission in which will be entered the names and addresses of all persons admitted to practice before the Commission. Only individual members of firms will be admitted.

(g) Subject to the provisions of paragraphs (e) and (f) of this rule, the following classes of persons whom the Commission finds, on consideration of their applications, to be of good moral character and to possess the requisite qualifications to represent others, may be admitted to practice before the Commission:

(1) Attorneys at law who are admitted to practice before any court of the United States, or the highest court of any State or Territory.

(2) Any person, not an attorney, to be designated as agent, who is a citizen of the United States and who shall, in the opinion of the Commission, possess the necessary education, training, experience, and technical qualifications which would enable him properly to represent others before the Commission.

(h) An application for admission to practice shall be addressed to the Securities and Exchange Commission,

Washington, D. C., stating under oath the name, residence address, and business address of the applicant. In the case of an attorney, the time and place of admission to the bar and whether the applicant has ever been suspended or disbarred as an attorney in any court or jurisdiction shall be stated. In the case of an agent, the applicant shall state briefly his education, training, experience, and technical qualifications.

(4) In the discretion of the Commission or trial examiner, an attorney at law may be permitted to appear for the purpose of any proceeding, though not theretofore admitted to practice before the Commission in the way prescribed.

(5) All persons appearing in any proceeding shall conform to the standards of conduct generally required of practitioners at law.

(6) The Commission may deny admission to any person who is found by the Commission:

- (1) Not to possess the requisite qualifications to represent others;
- (2) To be lacking in character, integrity, or proper professional conduct.

If, upon consideration of an application, the Commission is not satisfied that the applicant possesses the qualifications required by this rule, it will so notify him by personal service or registered mail, with demand for a return receipt, whereupon he may request a hearing for the purposes of proving his qualifications. If he presents such a request, the Commission will accord him a hearing, but if no request for a hearing is made by the applicant and received by the Commission within thirty days after such service or the mailing of such notification to the address given in the application for admission to practice, his application shall be deemed to have been withdrawn.

(7) The Commission may suspend or disbar any person who, after such person shall have been given an opportunity to be heard in the matter, is found by the Commission:

- (1) To have violated these rules;
- (2) Not to possess the requisite qualifications to represent others;
- (3) To be lacking in character, integrity or proper professional conduct.

Any former member or employee of the Commission who shall appear as attorney or agent in connection with any matter, including any investigation conducted by the Commission, which was pending before the Commission during the period of his employment therein, without first obtaining the consent of the Commission so to appear, may be held by reason thereof to be lacking in proper professional conduct within the meaning of these rules. Any person who shall appear as attorney or agent in connection with any matter, including any investigation conducted by the Commission, and shall accept the advice or assistance of any former member or employee of the Commission (excluding persons not classified as attorneys or other experts as of the time of their separation from the employ of the Commission) in the preparation or presentation of any such matter without first obtaining the consent of the Commission for such former member or employee so to advise or assist where the matter in connection with which such person appears was pending before the Commission during the period of such former member's or employee's employment therein, may be held by reason thereof to be lacking in proper professional conduct within the meaning of these rules.

(m) Consent of the Commission for former members or employees to act in the preparation or presentation of matters pending before the Commission during the period of employment by the Commission of such former member or employee may be granted after written application therefor is filed with the Commission. Such application shall be

made by the former member or employee where he is admitted to practice before the Commission, and by the person admitted to practice before the Commission who desires to accept the advice or assistance of such former member or employee. The application shall describe the matter in respect to which the applicant proposes to act. In connection with the application the Commission should be advised by the former member or employee as to the extent of the consideration given by him to the matter involved during the period of his employment with the Commission. Such information may be furnished in affidavit form. The Commission shall not grant such application unless it finds that the former member or employee has not, by virtue of his former employment with the Commission, such familiarity with the matter in respect to which he proposes to act as to be prejudicial to the proper conduct of the proceeding. In considering such application the Commission may make such examination of the former member or employee and of the Commission's records as it may deem proper and shall grant or deny the application and advise the applicant promptly as to its action. The granting of such application shall entitle such applicant to act for another only where the person to be represented is entitled to representation by an attorney or agent.

(n) Contemptuous conduct at any hearing before the Commission or a Trial Examiner shall be ground for exclusion from said hearing and for summary suspension without a hearing for the duration of the hearing.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-716; Filed, March 10, 1938; 11:35 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of March, 1938.

[File No. 1-93]

IN THE MATTER OF ST. ANTHONY GOLD MINES, LTD., COMMON STOCK, \$1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The St. Anthony Gold Mines, Ltd., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$1 Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 A. M., on Tuesday, March 15, 1938, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-715; Filed, March 10, 1938; 11:35 a. m.]